

CHAPTER 294  
SB 108-FN - FINAL VERSION

03/06/2025 0550s  
1May2025... 1585h  
06/26/2025 2748CofC  
06/26/2025 2919EBA

2025 SESSION

25-0946  
06/02

SENATE BILL ***108-FN***

AN ACT relative to the department of energy.

SPONSORS: Sen. Pearl, Dist 17; Sen. Avard, Dist 12; Sen. Lang, Dist 2; Sen. Murphy, Dist 16; Sen. Sullivan, Dist 18; Sen. Gannon, Dist 23; Sen. McGough, Dist 11; Sen. Rosenwald, Dist 13; Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Rep. Spillane, Rock. 2; Rep. Cambrils, Merr. 4; Rep. Moffett, Merr. 4; Rep. See, Merr. 26

COMMITTEE: Energy and Natural Resources

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AMENDED ANALYSIS

This bill transfers specific regulatory and adjudicative responsibilities from the public utilities commission to the department of energy, including prohibiting unauthorized telecommunications service provision, protecting ratepayer communication preferences, and adjusting complaint, investigation, and aggregation procedures related to net energy metering.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT relative to the department of energy.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 294:1 Ratepayer Protection. Amend RSA 374-F:4-b, I to read as follows:

2 I. Within 60 days of the effective date of this section, the ~~[commission]~~ **department of energy** shall  
3 initiate a proceeding to develop rules to allow residential and small commercial customers to choose how  
4 they receive communication from competitive electric suppliers and to implement the provisions of this  
5 section. Where the ~~[commission]~~ **department** has adopted rules in conformity with this section,  
6 complaints to and proceedings before the ~~[commission]~~ **department** shall not be subject to RSA 541-A:29  
7 or RSA 541-A:29-a.

8 294:2 Certification of Assessment. Amend RSA 363-A:3 to read as follows:

9 363-A:3 Certification of Assessment. It shall be the duty of the department of energy to calculate the  
10 amount to be assessed against each such public utility and each other entity subject to assessment in  
11 accordance with RSA 363-A:1 and RSA 363-A:2. At the beginning of each fiscal year, the department of  
12 energy shall estimate the total expenses for the fiscal year, and then, based on such estimate, shall  
13 calculate the amount to be assessed quarterly on September 15, November 15, February 15, and April 15  
14 of that fiscal year. For entities with assessments less than \$10,000, the department may bill those entities  
15 the entire amount on September 15 of that fiscal year. The department of energy shall then make a list  
16 showing the amount assessed September 15, November 15, February 15, and April 15 of that fiscal year  
17 to each of the several public utilities and other entities assessed under the provisions hereof, and,  
18 together with a statement of the full name and mailing address of each such public utility and other  
19 assessed entity, shall certify the same. ***Each public utility and entity subject to assessment under RSA***  
20 ***363-A:1 and RSA 363-A:2 and registered with the department on July 1 of the new fiscal year shall be***  
21 ***liable for their entire amount assessed for that fiscal year.*** After the close of each fiscal year, the  
22 department of energy shall ascertain the actual total expenses in accordance with RSA 363-A:1 and RSA  
23 363-A:2, and then shall adjust the assessment for the first or only payment of the new fiscal year for each  
24 such public utility or other assessed entity for any underpayment or overpayment by each such public  
25 utility or other assessed entity for the prior fiscal year.

26 294:3 Complaints. Amend RSA 365:1 to read as follows:

27 365:1 ~~[Complaint Against Public Utilities]~~ ***Complaints.*** Any person may make ***a formal*** complaint to  
28 the department of energy by petition setting forth in writing any thing or act claimed to have been done or  
29 to have been omitted by any ~~[public utility]~~ ***entity subject to the department's or commission's jurisdictions***  
30 ***and*** in violation of any provision of ~~[law,]~~ ***statute or rule,*** or of the terms and conditions of ***registration, tariff,***

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1 *community aggregation plan*, its franchises or charter, or of any order of the *department or* commission,  
2 *provided such person has first made the same or a substantially similar complaint to the department's*  
3 *consumer services division and exhausted all available remedies available through that division. RSA*  
4 *541-A:29 and RSA 541-A:29-a shall not apply to informal or formal complaints filed with the department.*

5 294:4 Exceptions. Amend RSA 365:1-a to read as follows:

6 365:1-a Exceptions. Except for complaints about RSA 371:17 through RSA 371:24, RSA 374:2-a,  
7 RSA 374:22-p, l(b), RSA 374:28-a, RSA 374:34-a, RSA 374:48 through RSA 374:56, RSA 374:59, and  
8 RSA 378:44 through RSA 378:48, the provisions of this chapter shall not apply to any end user of an  
9 excepted local exchange carrier, nor to any service provided to such end user. Such end users may  
10 make complaints [~~to the commission~~] regarding basic service, as defined by RSA 374:22-p, l(b) by  
11 excepted local exchange carriers. *Except for complaints about RSA 371:17 through 371:24, 374:34-a,*  
12 *374:48 though 374:56, and 374:59, the provisions of this chapter shall not apply to any end user of a voice*  
13 *over Internet protocol (VoIP) provider, IP-enabled service provider, or cellular mobile radio communication*  
14 *services carrier.*

15 294:5 Investigation and Voluntary Resolution. RSA 365:2 is repealed and reenacted to read as  
16 follows:

17 365:2 Investigation and Voluntary Resolution. The department of energy may investigate and resolve  
18 any complaint made to the department using non-adjudicative procedures. The department may adopt  
19 rules for this purpose or may set out procedural requirements by order for the investigation and resolution  
20 of complaints.

21 294:6 Reparation. Amend RSA 365:3 to read as follows:

22 365:3 Reparation. If the [~~public utility~~] *jurisdictional entity* complained of shall make reparation for  
23 any injury alleged and shall cease to commit or to permit the violation [~~of law, franchise, or order~~] charged  
24 in the complaint, and shall notify the department of energy of that fact [~~before the time allowed for~~  
25 ~~answer~~], the department shall not be required to take any further action upon the [~~charges~~] *matters*  
26 *complained of.*

27 294:7 Department and Commission Adjudications. RSA 365:4 is repealed and reenacted to read as  
28 follows:

29 365:4 Department and Commission Adjudications. If the charges are not resolved voluntarily as  
30 provided in RSA 365:2 or satisfied as provided in RSA 365:3, then, for complaints over which only the  
31 department has jurisdiction, the department of energy may either issue an order dismissing the complaint  
32 or commence an adjudicative proceeding. For complaints over which the commission has jurisdiction, if  
33 requested by the person filing the complaint, the department shall transfer the complaint petition to the  
34 commission, along with a report of its investigation and attempts to resolve the complaint, whereupon the  
35 commission shall issue an order of notice opening an adjudicative proceeding.

36 294:8 Aggregation Program. Amend RSA 53-E:7, X to read as follows:

37 X. The commission shall adopt rules, under RSA 541-A, to implement this chapter and, to the  
38 extent authorities granted to municipalities and counties by this chapter materially affect the interests of  
39 electric distribution utilities and their customers, to reasonably balance such interests with those of

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1 municipalities and counties for the public good, which may also be done through adjudicative proceedings  
2 to the extent specified or not addressed in rules. Such rules shall include but not be limited to rules  
3 governing the relationship between municipal and county aggregators and distribution utilities, metering,  
4 billing, access to customer data for planning and operation of aggregations, notice of the commencement  
5 or termination of aggregation services and products, and the reestablishment of a municipal or county  
6 aggregation that has substantially ceased to provide services. Where the commission has adopted rules  
7 or issued orders in conformity with this chapter, complaints pertaining to actions undertaken or omitted by  
8 any municipal or county aggregator or electric distribution utility arising under this chapter, applicable  
9 rules, or orders of the commission, shall be made to the department. ~~[Thereupon, the department shall~~  
10 ~~cause a copy of said complaint to be forwarded to the municipal or county aggregator or electric~~  
11 ~~distribution utility complained of, which may be accompanied by an order, requiring that the matters~~  
12 ~~complained of be satisfied, or that the charges be answered in writing within a time to be specified by the~~  
13 ~~department. If the charges are not satisfied and it shall appear to the department that there are~~  
14 ~~reasonable grounds therefor, it shall investigate the same in such manner and by such means as it shall~~  
15 ~~deem proper. After investigation, the department may bring proceedings on its own motion before the~~  
16 ~~commission, with respect to any complaint or violation arising under this chapter, applicable rules, or~~  
17 ~~orders of the commission. If the party bringing the complaint is unsatisfied with the disposition of the~~  
18 ~~complaint by the department, then they may petition the commission to resolve the matter through an~~  
19 ~~adjudicative proceeding.]~~ Notwithstanding any other provision of law to the contrary, municipal and county  
20 aggregators shall be subject to the jurisdiction of the department for purposes of this paragraph. For non-  
21 residential ratepayers, the department shall docket and make public any received complaint. Complaints  
22 to the department and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA  
23 541-A:29-a.

24 294:9 Repeal. RSA 362-A:9, XVIII, relative to net metering caps, is repealed.

25 294:10 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 01, 2025  
Effective Date: September 30, 2025

